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[10121/01601]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James F. McGUCKIN
Serial No. : 09/697,306
Filed : October, 27, 2000
For : SURGICAL APPARATUS AND METHOD
Art Unit : 3761
Examiner : G. Dawson

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

Date:

1/13/03

Reg. No. 35,503

Signature

Patrick J. F...
Patrick J. F...

RESPONSE UNDER RULE 116

S I R:

In response to the Office Action mailed October 23, 2002, in the above-identified application, please consider the following remarks.

In the Claims:

Amended claims 36, 44 and 49 now read as follows:

36. (Amended) An apparatus for resecting tissue within a body lumen, comprising:

an operating capsule including a coupling structure for selectively coupling to a flexible endoscope, the operating capsule being sized so that, when in an operative position entirely located within a body lumen adjacent to a selected portion of

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